



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

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MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *ΔJB*
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SUBJECT: Weekly Report for June 11, 2001- June 22, 2001

THIS WEEK

Hanssen: Glenn Fine, the Department's Inspector General, briefed Senate Judiciary staff on the structure of the IG investigation on this matter on Monday, June 4, and will do a follow-up briefing for other committee staff unable to attend the June 4 briefing on Monday, June 11. (Walter)

Sharing Electronic Surveillance with the Intelligence Community: Deputy Assistant Attorney General Bruce Swartz joined representatives from the FBI and the CIA at a briefing for Senate Intelligence Committee staff on June 4 on issues of sharing Title III wiretap information with the intelligence community. A similar briefing, at which Acting Counsel for Intelligence Policy James Baker will join representatives from the FBI and the CIA, for Senate Intelligence Committee staff on issues of sharing FISA information with the intelligence community is scheduled for June 12. (Walter)

DNA Analysis and Related Issues: Representatives of the FBI and the Office of Justice Programs are scheduled to testify on June 12, 2001, before the House Committee on Government Reform's Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations on the Department's efforts to work with state, local and other federal agencies to strengthen the application of DNA technology to criminal investigations. (Jones)

Cyber Crime Hearing On Tuesday, June 12, Criminal Division Assistant Attorney General Michael Chertoff will testify before the House Judiciary Subcommittee on Crime (Smith, Chair) on behalf of the Department's efforts to combat cyber crime. The hearing will focus on the federal law enforcement role and is the second in a series of three. The Subcommittee hopes to draft legislation in the near future to assist law enforcement in their efforts. (Daley)

Death Penalty: The Constitution Subcommittee of the Senate Committee on the Judiciary has noticed a hearing for June 13, 2001, on the administration of the federal death penalty. (Tanner)

Nominations: On June 5, the following nominations were sent to the Senate: Deborah J. Daniels, to be Assistant Attorney General for the Office of Justice Programs, and Richard Nedelkoff, to be Director of the Bureau of Justice Assistance.

It is our understanding that the Senate Judiciary Committee will be prepared to have a nominations hearing within two weeks after the Senate reorganization resolution is passed. It is also our understanding that the first hearing will be a combination of Departmental nominees and judicial nominees, pending receipt of ABA ratings. Additionally, we have been advised that there will be no floor action on nominations until after the reorganization resolution is passed. We anticipate that the Senate will act on the resolution this week.

Eleven of the candidates/nominees will be at the Department for a briefing session on June 14. You will be having lunch with all of them. (Scott-Finan)

Elder Abuse, Neglect, and Exploitation: A hearing is scheduled for June 14th on Elder Abuse, Neglect, and Exploitation before the Senate Special Committee on Aging and will focus on the growing problem of elder abuse; the scope, prevalence, and causes of the problem; and the unique challenges of prosecuting cases of elder crime. Marie-Therese Connolly, Coordinator of the Nursing Home Initiative, will testify. (Coughlin)

Unaccompanied Minors: Congresswoman Jackson Lee has postponed a Minority forum on Unaccompanied Minors and therefore postponed a Member briefing by Immigration and Naturalization Service and Executive Office of Immigration Review, originally scheduled for June 14th. The hearing and briefing are expected to be rescheduled in mid-July. (D.Burton)

Pardon Attorney's Office: On June 15, Pardon Attorney Roger Adams, accompanied by OLA staff, will be meeting with staff for Senator Blanche Lincoln to discuss how a pardon application is processed. (Scott-Finan)

Daral Hijag Islamic Center: Representative Tom Davis has requested information related to an Islamic Center in his district. Staff of OLA are working with INS and FBI on scheduling a briefing. (D.Burton)

THE WEEK AHEAD

Human Rights Abusers: Representative Wolf has requested a briefing on human rights abusers in the United States. Staff from OLA, FBI and INS will be working with his office on scheduling an appropriate meeting. (D.Burton)

THE WEEK IN REVIEW

Department Reauthorization Hearing: On Monday, June 4, DOJ staff met informally with House Judiciary staff to discuss technical matters relating to a draft bill reauthorizing the Department of Justice. On Wednesday, June 6, you appeared before the full House Judiciary Committee to testify about the reauthorization of the Department. On Friday, June 3, the Judiciary Committee sent DOJ a list of more than 20 questions related to reauthorization, with a request that the Department reply by Thursday, June 14.

Information Sharing: On Monday, June 4, the Department met with Joint Economic Committee staff for a second technical discussion regarding their interest in facilitating information sharing between private sector and law enforcement through legislation. (Daley)

Premium Processing: On Tuesday, June 5, staff from INS briefed the Senate Immigration Subcommittee on the new expedited visa processing fee. INS was asked by Senator Kennedy's staff to conduct a follow-up briefing for nonprofit immigration organizations. They are working on scheduling this briefing. (D.Burton)

Competitive Advantage of Federal Prison Industries: On June 6 the House Small Business Committee (Manzullo, Chair) held a hearing on H.R. 1571, legislation that would require the Federal Prison Industries to compete for its contracts, minimizing its unfair competition with non-inmate workers and the firms that employ them and increasing the likelihood that federal agencies get the best value for taxpayers dollars. Joseph Aragon, Chairman of the Board of Directors of Federal Prison Industries, testified. All of the Members of Congress and witnesses from other entities were critical of "the unfair competitive advantage" of Federal Prison Industries because Federal Prison Industries has mandatory source. (Scott-Finan)

Family Sponsor Immigration Act of 2001: On June 6, the House Immigration Subcommittee approved legislation which would allow persons applying for an immigrant visa substitute another petitioner when the original petitioner dies before a visa number is made available. (D.Burton)

Charitable Choice: On Wednesday, June 6, Carl Esbeck of the Office of the Deputy Attorney General testified on Charitable Choice issues before the Senate Judiciary Committee. On Thursday, June 7, Mr. Esbeck testified before the House Judiciary Committee, Subcommittee on the Constitution, regarding H.R. 7, the principal House charitable choice bill. There is some expectation that Charitable Choice will move in the House in the near future. (Owen)

Consequences for Juvenile Offenders Act of 2001: On April 19, the Department sent its views on H.R. 863, "Consequences for Juvenile Offenders Act of 2001" to the House Judiciary Committee. Full Committee markup has already occurred on this bill, and House floor consideration is expected in the next few weeks. The Department supported the bill. The House Education and the Workforce Committee held a hearing on June 6 on H.R. 1900, a related bill. The Department has declined an invitation to testify or to submit written views. (Owen)

Appropriations - Bureau of Prisons: On June 7, Bureau of Prisons Director Kathleen Hawk Sawyer testified before the House Commerce, Justice, State, and the Judiciary Subcommittee (Wolf, Chair) on fiscal year 2002 appropriations for the Bureau of Prisons. (Scott-Finan)

Ira Einhorn Extradition: The House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources canceled the hearing on "Justice Delayed: Extradition and the Ira Einhorn Case" which had been scheduled for June 7, 2001. Justice Department and State Department representatives met with the family of the victim and Subcommittee staff on June 6, 2001. (Tanner)

SW Border - Prescription Drugs: The House Committee on Energy and Commerce held a hearing concerning the flow of prescription drugs into the United States on June 7. The hearing addressed importation of prescription drugs by mail and land imports pursuant to the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. This Act allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. Laura Nagle, Deputy Assistant-Administrator for Diversion Control, testified on behalf of the Drug Enforcement Agency. (Tanner)

Racial Profiling: On June 7, representatives of the Office of Justice Programs (OJP) and the COPS Office, accompanied by OLA staff, met with both Republican and Democratic staff of the House Government Reform Committee to brief staff about the use of OJP and COPS grant monies to address racial profiling. (Scott-Finan)

FISA: The closed hearing for members of the Senate Intelligence Committee staff on issues related to a FISA case scheduled for June 7 was postponed. (Walter)

Victims Rights Amendment: On Thursday, June 7, staff from OLA and the Office of Legal Policy met with staff from Senators Kyl and Feinsteins office to discuss a draft Victims' Rights constitutional amendment. (Pearlman)

Bioterrorism Legislation: On Friday, June 8, the Department participated in a conference call requested by Judiciary staff for Senator Biden. Senator Biden may re-introduce his bioterrorism legislation this Congress and staff had a technical question which they wanted to resolve prior to introduction. (Daley)

Mexico Migration Working Group: The binational working group held two staff level meetings last week to discuss the agenda items agreed upon by both the US and Mexico delegations. Following the 14 Mexico migrant deaths in Arizona on May 21, bilateral cooperation on border safety and migrant protection was a top priority during the June 6 meeting in San Antonio, Texas. On June 8, representatives from DOJ (Attorney General's office), INS, Department of State, and Department of Labor, met with the Mexican delegation to discuss progress on the implementation of the LIFE Act; the scope of the H-2 visa programs;

regularization of undocumented workers and possible new guestworkers programs. Additional meetings on a staff level are planned in California and Arizona to further discuss border safety. A date for the next full Mexico Migration Working Group meeting has not been scheduled. (Miller)

SPAM: The House Judiciary Committee held a markup May 23 on House versions of the bill (H.R. 718, H.R. 1017). The Judiciary-passed version would require the Department to track and prosecute spam e-mails and also to issue regulations regarding the proper form for identifying spam e-mails with adult content. Should this bill reach the House floor in a similar form, the Department expects much of this authority will be moved to FTC. The House Energy and Commerce Committee passed a much broader version of H.R. 718. The Judiciary Committee's sequential referral expired on June 5, 2001, and it has issued its report. The Judiciary's reported version of the bill would make it a crime to have false header information in a bulk e-mail, and would require the Attorney General to issue regulations regarding notices to be placed on advertisements for pornography. The Department is currently consulting with the White House and other agencies regarding this bill and a similar measure in the Senate, both of which have criminal enforcement provisions. (Owen)